

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Mikal D. Mahdi, #5238,)	C/A No. 8:16-3911-TMC-JDA
)	*CAPITAL CASE*
Petitioner,)	
vs.)	
)	
Bryan Stirling, Commissioner, South Carolina Department of Corrections,)	STATUS REPORT
)	
Respondent.)	
)	

Petitioner, Mikal Mahdi, is a South Carolina state court death sentenced inmate who has filed a “placeholder” federal habeas petition with this Court. Petitioner previously filed and has pending in state court a 2nd or Successive Application for post-conviction relief (PCR) in the Court of Common Pleas for Calhoun County. Respondent previously filed a petition with the South Carolina Supreme Court to re-appoint the Honorable Doyet A. Early, III., Circuit Court Judge (“the 1st PCR Court”), to preside over the 2nd or Successive PCR Application case and any motions regarding the same. Respondent filed a “Motion to Dismiss” the 2nd or Successive PCR Application in the Court of Common Pleas for Calhoun County. Chief Justice Donald Beatty of the South Carolina Supreme Court granted the petition and re-appointed Judge Early and directed him to hear Respondent’s Motion to Dismiss the 2nd or Successive PCR Application. Petitioner filed a Response to Respondent’s Motion to Dismiss. And, Respondent filed a Reply to Petitioner’s Response. Judge Early held a hearing on Respondent’s Motion to Dismiss on May 1, 2017 at 10:30 a.m. at the Bamberg County Courthouse. Petitioner waived his personal presence at the hearing. However, Petitioner was represented at the hearing by federal habeas counsel. Respondent was represented at

the hearing by below signed counsel. After hearing argument on the motion and after additional legal authority was submitted, Judge Early took the matter under advisement. On June 6, 2017, Judge Early notified Respondent and Petitioner's federal habeas counsel by e-mail that he was granting Respondent's motion to dismiss the 2nd or successive PCR application, and directed Respondent's counsel to submit a proposed Order consistent with Judge Early's findings set forth in the Court's e-mail and using Respondent's briefs to the Court as an outline for the proposed Order. Respondent submitted the proposed Order on June 7, 2017 by e-mail, copied to opposing counsel, and by U.S. mail, copied to opposing counsel.

Respectfully submitted,

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June 9, 2017